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I hereby certify that on June 18, 1998, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231.

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PATENT

#6
3/21/99
JH

Applicant: **Marcus A. Horwitz et al.**

Serial No.: **08/786,533**

Filed: **January 21, 1997**

Title: **ABUNDANT EXTRACELLULAR
PRODUCTS AND METHODS FOR
THEIR PRODUCTION AND USE**

Examiner: **Anthony Caputa**

Group Art Unit: **1645**

Att'y Docket No.: **120-243**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION TO WITHDRAW HOLDING OF ABANDONMENT — OFFICE ACTION NOT RECEIVED
(37 C.F.R. § 1.181, M.P.E.P. § 711.03(C), AND 1156 O.G. 53)

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

JUN 25 1998

GROUP 1645

Sir:

I hereby petition the Commissioner to withdraw the holding of abandonment set forth in the Notice of Abandonment mailed April 29, 1998, in the above-identified application, on the basis that the Office Action forming the basis of the abandonment was not received.

The Notice of Abandonment stated that the application is abandoned in view of applicants' failure to timely file a proper response to the Office letter mailed on September 30, 1997 (hereinafter "the Office Action"), specifically stating that no response has been received by the Patent Office.

I hereby state that:

06/23/1998 T11U11 00000059 08/786,533 1) the Office Action was not received; and

01 FC:122 2) a search of the file jacket and the docket records in my office indicates that the Office Action was not received.

Attached as evidence is a copy of the docket record where the nonreceived Office Action would have been entered had it been received and docketed, which docket record is labeled as Exhibit A.

Exhibit A includes seven pages which are numbered consecutively in the bottom right-hand corner of each. Page 1 provides general information for the application, including:

Docket Number: 120-243;
Client: UCLA;
Inventors: Marcus A. Horwitz et al.; and
Title: ABUNDANT EXTRACELLULAR PRODUCTS AND METHODS FOR
THEIR PRODUCTION AND USE.

Page 2 of the docket record provides, among other things, a list of Calculated Deadlines which includes a number of entries or actions to be addressed in the application and their preferred or required completion dates. If an Office Action is received from the Patent Office, a calculated deadline for responding to the Office Action is entered in the list of Calculated Deadlines.

However, as no Office Action was received, no action and corresponding completion date were entered in the list of Calculated Deadlines. If the Office Action dated September 30, 1997, were received, then the term "Response" would be entered in the list of Calculated Deadlines below the "Prior Art" entry, along with a date corresponding to the statutory period for responding to the Office Action.

Pages 3 to 7 of the docket record of Exhibit A respectively provide activity information for particular actions of the application. Page 3 is dedicated to the determination of a statutory bar date of the application; page 4, a three-month status check for preparing the application; page 5, the expiration of the convention period for filing foreign applications; page 6, whether or not the official Filing Receipt needs correcting; and page 7, a status check of the application. If the Office Action dated September 30, 1997, were received, then a page analogous to pages 3 to 7 would have been created and positioned in sequence between page 6 and page 7.

In consideration of the docket record of Exhibit A, it is respectfully requested that the holding of abandonment be withdrawn. Acknowledgment of the active status of the application and reissuance of the Office Action dated September 30, 1997, are respectfully requested.

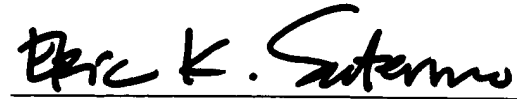
A check in the amount of \$130 to cover the Petition fee under 37 C.F.R. § 1.17(h) is attached. The Commissioner is hereby authorized to charge any additional fee which may be required in connection with this Petition, or credit any overpayment, to deposit account No. 16-2230.

Marcus A. Horwitz et al.
Serial No. 08/786,533
Art Unit 1645

PATENT
Docket No. 120-243
PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Respectfully submitted,

Dated: June 18, 1998



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***** Record 9335 in Invention Data *****

Invention Data

Docket Number: 120-243

Attorney: KAM

Disclosure Status: Open

Client: UCLA

Client Reference Number: LA9610601

UCLA

Assignee: CA REGENTS OF THE UNIV OF

Inventors 1: HOROWITZ, MARCUS A.

2: HARTH, GUNTER

3: LEE, BAI-YU

4: _____

Title: ABUNDANT EXTRACELLULAR PRODUCTS AND METHOD FOR THEIR
PRODUCTION AND USE

Remarks: OPENED- 9/11/96

Keywords 1: TUBERCULOSIS

2: PROTEIN

3: _____

4: _____

Recorded: 04/28/97

Reel: 8491

Info Notice: / /

Frame: 833-834

Today's Date: 03/17/98

07/08/97

Last Update: 07/08/97

***** Record 8471 in Country Applications *****

Country Application Data

Docket Number: 120-243 Country: USA Sub Case:

Case Type: ORD Application Status: PENDING
Serial Number: 08/786,533 Filing Date: 01/21/97
Patent Number: Issue Date:
Allowed: Assign Executed: 04/15/97
Tax Schedule: NL Priority Date:
Publication Date: Expiration Date: 01/21/17
Agent: Agent Reference Number:
Remarks: IDS=DONE PER TRUDI 4/17/97; CONV.RDMR=EXT2MOS; STATUS CK EXT
3MO. PER KAM CAL.

<u>Filing</u>	<u>Filing</u>	<u>Filing</u>	<u>20 Filing</u>
Calculated Deadlines			Maintenance Fees Due
		Completed	(U.S. only) Paid
<u>01/21/97</u>	<u>STATUS CK</u>	<u>01/21/98</u> <u>yes</u>	<u>I</u> <u> </u> <u>Maint 3.5</u> <u> </u> <u>no</u>
<u>01/21/97</u>	<u>CONV RMDR</u>	<u>07/21/97</u> <u>yes</u>	<u>I</u> <u> </u> <u>Maint 7.5</u> <u> </u> <u>no</u>
<u>01/21/97</u>	<u>PRIOR ART</u>	<u>04/21/97</u> <u>yes</u>	<u>I</u> <u> </u> <u>Maint 11.5</u> <u> </u> <u>no</u>

Outstanding Action: STATUS CK. 04/21/98

Today's Date: 03/17/98

Press F10, to enter/update actions

Last Update: 01/21/98

07/08/97

120-243USA no

01/21/98 07/21/97 04/21/97

***** Record 45716 in All Actions *****

Actions Due

Docket Number: 120-243 Country: USA Sub Case:

Action Type: <u>BAR DATE?</u>				
PTO Date: <u>09/18/96</u>				
	Action Due	Due Date	Indicator	Done
	<u>BAR DATE?</u>	<u>09/18/96</u>	<u>Due Date</u>	<u>09/17/96</u>
		<u>/ /</u>		<u>/ /</u>
		<u>/ /</u>		<u>/ /</u>
		<u>/ /</u>		<u>/ /</u>
		<u>/ /</u>		<u>/ /</u>
		<u>/ /</u>		<u>/ /</u>
		<u>/ /</u>		<u>/ /</u>
		<u>/ /</u>		<u>/ /</u>
Resp Sent: <u>09/17/96</u>				
Action_Chk: <u>03/17/97</u>				
Completed: <u>yes</u>				

Remarks: NO BAR DATE PER MAK

Today's Date: 03/17/98
Last Update: 09/18/96

yes 120-243USA

120-243USABAR DATE?09/18/96

/ / / / / / / / / / / /

***** Record 45717 in All Actions *****

Actions Due

Docket Number: 120-243 Country: USA Sub Case:

Action Type: <u>3MO. STATUS OF APPLN</u>			
PTO Date: <u>12/18/96</u>			
<u>Resp Sent: 03/11/97</u> <u>Action Chk: 09/11/97</u> <u>Completed: yes</u>	<u>Action</u>	<u>Due</u>	<u>Indicator</u>
	<u>Due</u>	<u>Date</u>	<u>Done</u>
	<u>3MO. STATUS OF APPLN</u>	<u>12/18/96</u>	<u>Due Date 12/17/96</u>
	<u>3MO. STATUS APPLN. (EXT)</u>	<u>01/01/97</u>	<u>Due Date 01/02/97</u>
	<u>STATUS OF APPLN. (EXT)</u>	<u>01/15/97</u>	<u>Due Date 01/15/97</u>
	<u>STATUS OF APPLN. (EXT)</u>	<u>01/22/97</u>	<u>Due Date 01/21/97</u>
	<u>STATUS MISSING PARTS</u>	<u>03/22/97</u>	<u>Due Date 03/11/97</u>
		<u> / / </u>	<u> / / </u>

Remarks: EXT 2WK. MAK
EXT 2WK. PER MAK
EXT 1WK. ANGELIA
FILED 1/21/97 PER MAK & CAL. STATUS MISSING PARTS 2MO. REC'D?
TAKE OFF CAL PER EKS/TRUDI 3/11/97 3:28

Today's Date: 03/17/98
Last Update: 03/11/97

yes 120-243USA
120-243USA3MO. STATUS OF APPLN12/18/96

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***** Record 50006 in All Actions *****

Actions Due

Docket Number: 120-243 Country: USA Sub Case:
CONVENTION_DT_EXPIRE

Action Type: CONVENTION_DT_EXPIRE

PTO Date: 01/21/97

	Action	Due	Indicator	Done
	Due	Date		
	CONV_DT_EXPIRES	01/21/98	Final	01/21/98
	CONV.RMDR(EXT)	09/21/97	Reminder	09/16/97
	CONV_RMDR (EXT)	11/21/97	Reminder	10/28/97
	CONV_RMDR (EXT)	12/21/97	Reminder	12/01/97
Resp Sent: <u>01/21/98</u>	2WK_RMDR_CONV_DATE_EXP	01/07/98	Reminder	12/29/97
Action_Chk: <u>07/21/98</u>	2DAY_RMDR-CONV.EXPIRES	01/19/98	Reminder	01/19/98
Completed: <u>yes</u>				

Remarks: CONV.EXPIRES=1/21/98;RMDR=EXT FROM 7/21/97 PER TRUDY 7/10/97
EXT 2MO. PER KAM CAL.;EXT 1MO. PER KAM CAL.;WILL FILE PCT EXT TO
2WK PRIOR TO DUE DATE;2WK=EXT TO A 2DAY RMDR PER TRUDI CAL
12/29/97;2DAY=EXT TO DUE-CAL NOT REC'D 1/18/98
PCT FILED PER KAM CAL.

Today's Date: 03/17/98

Last Update: 01/21/98

yes 120-243USA

120-243USACONVENTION_DT_EXPIRE01/21/97

01/21/98 01/21/97 01/21/97 01/21/97 01/21/97 01/21/97

***** Record 52206 in All Actions *****

Actions Due
Docket Number: 120-243 Country: USA Sub Case:

Action Type: CORRECT FILING REC.
PTO Date: 05/20/97

	Action Due	Due Date	Indicator	Done
	<u>CORRECT FILING REC.</u>	<u>05/30/97</u>	<u>Due Date</u>	<u>05/27/97</u>
		<u>/ /</u>		<u>/ /</u>
		<u>/ /</u>		<u>/ /</u>
		<u>/ /</u>		<u>/ /</u>
		<u>/ /</u>		<u>/ /</u>
		<u>/ /</u>		<u>/ /</u>
		<u>/ /</u>		<u>/ /</u>
Resp Sent: <u>05/27/97</u>				
Action Chk: <u>11/27/97</u>				
Completed: <u>yes</u>				

Remarks: NO ACTION PER SLIP 5/30/97

Today's Date: 03/17/98
Last Update: 05/30/97

yes 120-243USA
120-243USACORRECT FILING REC.05/20/97

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Actions Due

Docket Number: 120-243

Country: USA

Sub Case: _____

Action Type: STATUS CK. (EXT)

PTO Date: 04/21/98

Action

Due

Indicator

Done

Due

Date _____

STATUS CK. (EXT)

04/21/98

Due Date

03/21/98

STATUS CK (EXT)

07/21/98

Due Date

Resp Sent :

Remarks: EXT 3MO. PER KAMN CAL. FROM 1/21/98;EXT 3MOS PER KAM CAL 4/9/98

Today's Date: 03/17/98

Last Update: 03/12/98

no 120-243USA

120-243USASTATUS CK. (EXT) 04/21/98